



130 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45802-2025
Date of decision: 21.08.2025

SURINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present: Mr. Jitender Singh Dadwal, Advocate
 for the petitioner.

 Mr. Gorav Kathuria, DAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This petition is directed against the Order dated 15.02.2025 (Annexure P-3) passed by the Court of learned Additional Sessions Judge, Ludhiana, vide which, learned Appellate Court has declined the prayer of the accused-revisionist to set-aside the condition imposed by Appellate Court directing him to deposit 20% of the compensation amount awarded by learned trial Court while suspending the sentence imposed upon the petitioner. It is submitted that petitioner has been held guilty and convicted in the complaint under Section 138 of Negotiable Instruments Act (in short 'N.I. Act') and has been sentenced to undergo simple imprisonment for a period of one year and has been directed to pay sum of Rs. 51,00,000/- as compensation to the complainant under Section 357(3) Cr.P.C. vide Judgment dated 16.01.2025. Infact, the



financial condition of the petitioner has become worst as he has suffered loss of business and possession of his house has also been taken over by the banker and he is now working as a labourer and living on rent and his case thus falls within the exceptions and learned Appellate Court ought to have exercised its jurisdiction in exempting the deposit of 20% of the amount in terms of Section 148 of N.I. Act.

2. Notice of the petition has not been issued. However, learned counsel for the petitioner has been heard and material on file has been perused.

3. After the petitioner was held guilty and convicted under Section 148 of NI Act, he preferred an appeal and the Court of Additional Sessions Judge suspended the sentence but directed him to pay 20% of the total amount of compensation to the complainant in terms of Section 148 of the N.I. Act. The only plea raised by the appellant for not imposing the condition of deposit of 20% of the compensation amount was that the disposal of the appeal will take a long time and as such, the condition of deposit of 20% be not imposed. Learned trial Court referred to the law laid down by the Supreme Court in ***Criminal Appeal No.2741 of 2023 (@ SLP(Crl.) Nos. 4927 of 2023) Jamboo Bhandari vs. M.P. State Industrial Development Corporation Ltd. and others***, decided on **04.09.2023**, in which, it has been held that if Appellate Court is satisfied that condition of deposit of 20% will be unjust or imposing such a condition will amount to deprivation of right of the appeal of the appellant, exception can be made for the reasons specifically recorded.



Learned Appellate Court observed that there were business dealings between the complainant and accused and cheque of Rs.51,00,000/- was issued in discharge of legal liability, which was dishonored. It was observed that the only contention raised by learned counsel for the appellant is that disposal of the appeal is likely to take long time and as such, deposit of 20% of amount be stayed but it was held that appellant-convict has not been able to point out any circumstance in his favour so that the condition of deposit of 20% of the amount be not imposed. It was also observed that there was nothing on the record that appellant is having some medical issues or was having some financial constraints due to which, he cannot deposit 20% of the amount and the prayer was declined.

4. In my considered opinion, the Appellate Court has passed a reasoned and speaking order after taking into consideration the law laid down in *Jamboo Bhandari case* (Supra) and in case, the condition of deposit of 20% of the amount exempted on such flimsy grounds, the provisions of Section 148 of NI Act will become nugatory. As such, impugned order does not suffer from any material illegality and no interference in the same is called for.

5. Petition is dismissed, accordingly.

6. Pending misc. application(s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

21.08.2025
Priyanka Thakur

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No